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EULOGY

ON

CHIEF-JUSTICE CHASE,

DELIVERED BY

WILLIAM M. EVARTS,

BEFORE THE

ALUMNI OF DARTMOUTH COLLEGE, AT HANOVER, JUNE 24, 1874.

PUBLISHED AT THEIR REQUEST.

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EULOGY

ON

CHIEF-JUSTICE CHASE.

MR. PRESIDENT AND GENTLEMEN, THE ALUMNI OF DARTMOUTH COLLEGE: When, not many weeks since, the committee of your association did me the honor to invite me to present, in an address to the assembled graduates of the college, a commemoration of the life, the labors, and the fame of the very eminent man and greatly honored scholar of your discipline, lawyer, orator, senator, minister, magistrate, whom living a whole nation admired and revered, whom dead a whole nation laments, I felt that neither a just sense of public duty nor the obligations of personal affection would permit me to decline the task. Yielding, perhaps too readily, to the persuasions of your committee that somewhat close professional and public association with the Chief-Justice in the later years of his life, and the intimate enjoyment of his personal friendship, might excuse my want of that binding tie of fellowship in a commemoration, in which the venerated college does dutiful honor to a son, and the assembled alumni crown with their affection the memory of a brother, I dismissed also, upon the same persuasion, all anxious solicitudes, which otherwise would have oppressed me, lest importunate and inextricable preoccupations of time and mind should disable me from presenting as considerable, and as considerate, a survey of the eminent character and celebrated career of Mr. Chase as should comport with them, or satisfy the just exigencies of the occasion.

The commemoration which brings us together has about it nothing funereal, in sentiment or observance, to darken our minds or sadden our hearts to-day. The solemn rites of sepulture, the sobbings of sorrowing affection, the homage of public grief, the concourse of the great officers of state, the assemblage of venerable judges, the processions of the bar, of the clergy, of liberal and learned men, the attendant crowds of citizens of every social rank and station, both in the great city where he died, and at the national capital, have already graced his burial with all imaginable dignity and unmeasured reverence. To prolong or renew this pious office is no part of our duty to-day. Nor is the maturity or nurture which the college gives to those it calls its sons, bestowed as it is upon their mind and character, affected by the death of the body as is the heart of the natural mother; nor are you, his brethren in this foster care of the spirit, bowed with the same sense of bereavement as are natural kindred. The filial and fraternal relation which he bore to you, the college and the alumni, is hardly broken by his death, nor is he hidden from you by his burial. His completed natural life is but the assurance and perpetuation of the power, the fame, the example, which the discipline and culture here bestowed had for their object, and in which they find their continuing and ever-increasing glory. The energy here engendered has not ceased its beneficent activity, the torch here lighted still diffuses its illumination, and the fires here kindled still radiate their heat.

Not less certain is it that the spirit of this commemoration imposes no task of vindication or defense, and tolerates no tone of adulation or applause. The tenor of this life, the manifestation of this character, was open and public, before the eyes of all men, upon an eminent stage of action, displayed constantly on the high places of the world. No faculty that Mr. Chase possessed, no preparation of mind or of spirit, for great undertakings or for notable achievements, ever failed of exercise or exhibition for want of opportunity, or, being exercised or exhibited, missed commensurate recognition or responsive plaudits from his countrymen. His career shows no step backward, the places he filled were all of the highest, the services he rendered were the most difficult as well as the most eminent. If,

as the preacher proclaims, "time and chance happeneth to all," the times in which Mr. Chase lived permitted the widest scope to great abilities and the noblest forms of public service; and the fortunes of his life show the felicity of the occasions which befell him to draw out these abilities, and to receive these services. Not less complete was the round of public honors which crowned his public labors, and we have no occasion, here, to lament any shortcomings of prosperity or favor, or repeat the authentic judgment which the voices of his countrymen have pronounced upon his fame.

The simple office, then, which seems to me marked out for one who assumes this deputed service in the name of the college and for the friends of good learning, is, in so far as the just limits of time and circumstance will permit, to expose the main features of this celebrated life, "to decipher the man and his nature," to connect the true elements of his character and the moulding force of his education with the work he did, with the influence he wielded in life, with the power of the example which lives after him, and always to have in view, as the most fruitful uses of the hour, his relations to the men and events of his times, and, not less, his true place in history among the lawyers, orators, statesmen, magistrates of the land. *Vera non verba* is our maxim to-day; truth, not words, must mark the tribute the college pays to the sober dignity and solid worth of its distinguished son.

Born of a lineage, which on the father's side dates its American descent from the Puritan emigration of 1640, and on the mother's, finds her the first of that stock native to this country, the son of these parents took no contrariety of traits from the union of the blood of the English Puritans and the Scotch Covenanters, but rather harmonious corroboration of the characteristics of both. These, sturdy enough in either, combined in this descendant to produce as independent and resolute a nature for the conflicts and labors of his day, as any experience of trial or triumph, of proscription or persecution suffered or resisted, had required or supplied in the long history of the contests of these two congenial races with priests and potentates, with principalities and powers. Nothing could be less consonant with a just estimate of the strong traits of this lineage, than which

neither Hebrew, nor Grecian, nor Roman nurture has wrought for its heroes either a firmer fibre or a nobler virtue, than to ascribe its chief power to enthusiasm or fanaticism. Plain, sober, practical men and women as they were, there was no hard detail of every-day life that they were not equal to, no patient and cheerless sacrifice they could not endure, no vicissitude of adverse or prosperous fortune which they could not meet with unchecked serenity. If it be enthusiasm that in them the fear of God had cast out the fear of man, or fanaticism that they placed "things that are spiritually discerned" above the vain shows of the world of sense, in so far they were enthusiasts and fanatics. In every stern conflict, in every vast labor, in every intellectual and moral development of which this country has been the scene, without fainting or weariness they have borne their part, and in the conclusive triumph of the principles of the Puritans and their policies over all discordant, all opposing elements, which enter into the wide comprehension of American nationality, theirs be the praise which belongs to such well-doing.

The son of a farmer—a man of substance, and of credit with his neighbors, and not less with the people of his State—young Chase drew from his boyhood the vigor of body and of mind which rural life and labors are well calculated to nourish. Several of his father's brothers were graduates of this college, and reached high positions in Church and State. An unpropitious turn of the commercial affairs of the country nipped, with its frost, the growing prosperity of his father, whose death, soon following, left him, in tender years, and as one of a numerous family, to the sole care of his mother. With most scanty means, her thrift and energy sufficed to save her children from ignorance or declining manners; maintained their self-respect and independence; set them forth in the world well disciplined, stocked with good principles, and inspired with proud and honorable purposes. To the praise of this excellent woman, wherever the name of her great son shall be proclaimed, this, too, shall be told in remembrance of her: that a Christian's faith, and a mother's love, as high and pure as ever ennobled the most famous matrons of history, stamped the character and furnished the education which equipped him for the labors and the triumphs of his life. One cannot read her letters to her son

in college without the deepest emotion. How many such women were there, in the plain ranks of New England life, in her generation! How many are there now! Paying marvelous little heed to the discussion of women's rights, they show a wonderful addiction to the performance of women's duties.

His uncle, Bishop Chase of Ohio, assumed, for a time, the care and expense of his education, and this drew him to the West, where, under this tutelage, he pursued academic studies for two years. At the end of this time he returned to his mother's charge, entered the junior class of Dartmouth College, and graduated in the year 1826, at the age of eighteen. The only significance, in its impression on his future life, of this brief guardianship of the Western Bishop, was as the determining influence which fixed the chief city of the West in his choice as the forum and arena of his professional and public life. After spending four years in Washington, gaining his subsistence by teaching, a law-student with Mr. Wirt—then at the zenith of his faculties and his fame—studying men and manners at the capital, watching the new questions then shaping themselves for political action, observing the celebrated statesmen of the day, conversant with the great Chief-Justice Marshall and his learned associates on the bench of the Supreme Court, and with Webster, and Binney, and other famous lawyers at its bar, he was admitted to practice, and, at the age of twenty-two, established himself at Cincinnati, transferring thus, once and forever, his home from the New England of his family, his birth, his education, and his love, to the ruder but equally strenuous and more expansive society of the West.

While yet of tender years, following up the earlier pious instruction of his mother, and his own profound sense of religious obligations under the inculcation of the Bishop, he accepted the Episcopal Church as the body of Christian believers in whose communion he found the best support for the religious life he proposed to himself. When he left your college he had not wholly relinquished a purpose, once held, of adopting the clerical profession. His adhesion to the Christian faith was simple and constant and sincere, and he accepted it as the master and rule of his life, in devout confidence in the moral government of the world, as a present and real supremacy over the race of man

and all human affairs. He was all his life a great student of the Scriptures, and no modern speculations ever shook the solid reasons of his belief. When he entered the city of Washington, fresh from college, "the earnest prayer of his heart was, that God would give him work to do, and success in doing it." When he was laying out the plans of professional life, on his first establishment at Cincinnati, his invocation was, "May God enable me to be content with the consciousness of faithfully discharging all my duties, and deliver me from a too eager thirst for the applause and favor of men." All through the successive and manifold activities of his busy and strenuous life, when, to outward seeming, they were all worldly and personal, the same predominant sense of duty and religious responsibility animated and solemnized the whole.

At this point in his life we may draw the line between the period of education for the work he had before him and that work itself. What Mr. Chase was, at this time, in all the essential traits of his moral and intellectual character—in his views of life, its value, its just objects and aims, its social, moral, and religious responsibilities; in his views of himself, his duties, obligations, prospects, and possibilities; in his determinations and desires—such, it seems to me from the most attentive study of all these points—such, in a very marked degree, he continued to be at every stage of his ascent in life.

What, then, shall we assign as the decisive elements, the controlling constituents, of character—and what the assurance of their persistence and their force—which this youth could bring to the service of the State, or contribute to the advancement of society and the well-being of mankind?

These were simple, but, in combination, powerful, and adequate to fill out worthily the life of large opportunities which, though not yet foreseen to himself, was awaiting him.

The faculty of reason was very broad and strong in him, yet without being vast or surprising. It seized the sensible and practical relations of all subjects submitted to it, and firmly held them in its tenacious grasp; it exposed these relations to the apprehension of those whose opinion or action it behooved him to influence, by methods direct and sincere, discarding mere ingenuity, and disdaining the subtleness of insinuation. His educa-

tion had all been of a kind to discipline and invigorate his natural powers; not to encumber them with a besetting weight of learning, or to supplant them by artificial training.

His oratory was vigorous, with those "qualities of clearness, force, and earnestness, which produce conviction." His rhetoric was ample, but not rich; his illustrations apposite, but seldom to the point of wit; his delivery weighty and imposing.

His force of will, whether in respect of peremptoriness or persistency, was prodigious. His courage to brave, and his fortitude to endure, were absolute. His loyalty to every cause in which he enlisted—his fidelity in every warfare in which he took up arms—were proof against peril and disaster.

His estimate of human affairs, and of his own relation to them, was sober and sedate. All their grandeur and splendor, to his apprehension, connected themselves with the immortal life, and with God, as their guide, overseer, and ruler; and the sum of the practical wisdom of all worthy personal purposes seemed to him to be, to discern the path of duty, and to pursue it.

His views of the commonwealth were essentially Puritan. Equality of right, community of interest, reciprocity of duty, were the adequate, and the only adequate, principles with him to maintain the strength and virtue of society, and preserve the power and permanence of the State. With these principles unimpaired and unimpeded he feared nothing for his countrymen or their government, and he made constant warfare upon every assault or menace that endangered them.

It was with these endowments and with this preparation of spirit, that Mr. Chase confronted the realities of life, and assumed to play a part which, whether humble or high in the scale and plane of circumstance, was sure to be elevated and worthy in itself; for the loftiness of his spirit for the conflict of life was

> "Such as raised
> To height of noblest temper heroes old
> Arming to battle."

Such a character necessarily confers authority among men, and that Mr. Chase was ready, on all occasions arising, to assert his high principles by comporting action was never left in doubt.

Whether by interposing his strong arm to save Mr. Birney from the fury of a mob of Cincinnati gentlemen, incensed at the freedom of his press in its defiance of slavery; or by his bold and constant maintenance in the courts of the cause of fugitive slaves in the face of the resentments of the public opinion of the day; or by his fearless desertion of all reigning politics to lead a feeble band of protestants through the wilderness of anti-slavery wanderings, its pillar of cloud by day, its pillar of fire by night; or as Governor of Ohio facing the intimidations of the slave States, backed by Federal power and a storm of popular passion; or in consolidating the triumphant politics on the urgent issue which was to flame out into rebellion and revolt; or in his serene predominance, during the trial of the President, over the rage of party hate which brought into peril the coördination of the great departments of Government, and threatened its whole frame—in all these marked instances of public duty, as in the simple routine of his ordinary conduct, Mr. Chase asked but one question to determine his course of action, "Is it right?" If it were, he had strength, and will, and courage to carry him through with it.

In the ten years of professional life which followed his admission to the bar, Mr. Chase established a repute for ability, integrity, elevation of purpose and capacity for labor, which would have surely brought him the highest rewards of forensic prosperity and distinction, and in due course, of eminent judicial station. In this quieter part of his life, as in his public career, it is noticeable that his employments were never common-place, but savored of a public zest and interest. His compilation of the Ohio Statutes was a *magnum opus*, indeed, for the leisure hours of a young lawyer, and possesses a permanent value, justifying the assurance Chancellor Kent gave him, that this surprising labor would find its "reward in the good he had done, in the talents he had shown, and in the gratitude of his profession."

But this quiet was soon broken, never to be resumed, and though the great office of Chief-Justice was in store for him, it was to be reached by the path of statesmanship and not of jurisprudence.

If it had seemed ever to Mr. Chase and his youthful contemporaries, that they had come upon times when, as Sir Thomas

Browne thought two hundred years ago, "it is too late to be ambitious," and "the great mutations of the world are acted," the illusion was soon dispelled. It has been sadly said of Greece in the age of Plutarch, that "all her grand but turbulent activities, all her noble agitations spent, she was only haunted by the spectres of her ancient renown." No doubt, forty years ago, in this country, there was a prevalent feeling that the age of the early settlements and, again, of our War of Independence, had closed the heroic chapters of our history, and left nothing for the public life of our later times, but peaceful and progressive development, and the calm virtues of civil prudence, to work out of our system all incongruities and discords. But what these political speculations assigned as the passionless work of successive generations, was to be done in our time, and, as it were, in one "unruly right."

Mr. Chase had supported General Harrison for the presidency in 1840, not upon any very thorough identification with Whig politics, but partly from a natural tendency toward the personal fortunes of a candidate from the West, and from his own State, in the absence of any strong attraction of principle to draw him to the candidate or the politics of the Democratic party. But, upon the death of Harrison and the elevation of Tyler to the presidency, Mr. Chase, promptly discerning the signs of the times, took the initiative toward making the national attitude and tendency on the subject of slavery the touchstone of politics. Politic and prudent by nature, and with no personal disappointments or grievances to bias his course, he doubtless would have preferred to save and use the accumulated and organized force of one or the other of the political parties which divided the country, and press its power into the service of the principles and the political action which he had, undoubtingly, decided the honor and interests of the country demanded. He was among the first of the competent and practical political thinkers of the day, to penetrate the superficial crust which covered the slumbering fires of our politics, and to plan for the guidance of their irrepressible heats so as to save the constituted liberties of the nation, if not from convulsion, at least from conflagration. He found the range of political thought and action, which either party permitted to itself or to its rival, compressed

by two unyielding postulates. The first of these insisted, that the safety of the republic would tolerate no division of parties, in Federal politics, which did not run through the slave States as well as the free. The second was that no party could maintain a footing in the slave States, that did not concede the nationality of the institution of slavery and its right, in equality with all the institutions of freedom, to grow with the growth and strengthen with the strength of the American Union. Nothing can be more interesting to a student of politics than the masterly efforts of patriotism and statesmanship, in which all the great men of the country participated, for many years, to confine the perturbations of our public life to a controversy with this latter and lesser postulate. Seward with the Whig party, Chase with the Democratic party, and a host of others in both, tried hard to conciliate the irreconcilable, and to stultify astuteness, to the acceptance of the proposition that slavery, its growth girdled, would not be already struck with death. Quite early, however, Mr. Chase grappled with the primary postulate, and through great labors, wise counsels, long-suffering patience, and by the successive stages of the Liberty party, Independent Democracy, and Free-Soil party, led up the way to the Republican party, which, made up by the Whig party dropping its slave State constituency, and the Democratic party losing its Free-Soil constituents, rent this primary postulate of our politics in twain, and took possession of the Government by the election of its candidate, Mr. Lincoln.

This movement in politics was one of prodigious difficulty and immeasurable responsibility. It was so felt to be by the prime actors in it, though with greatly varying largeness of survey and depth of insight. In the system of American politics it created as vast a disturbance as would a mutation of the earth's axis, or the displacement of the solar gravitation, in our natural world. This great transaction filled the twenty years of Mr. Chase's mature manhood, say, from the age of thirty to that of fifty years. He must be awarded the full credit of having understood, resolved upon, planned, organized, and executed, this political movement, and whether himself leading or coöperating or following in the array and march of events, his plan, his part, his service, were all for the cause, its prosperity, and its

success. To one who considers this career, not as completed and triumphant, not with the glories of power, and dignities, and fame which attended it, not with the blessings of a liberated race, a consolidated Union, an ennobled nationality which receive the plaudits of his countrymen, but as its hazards and renunciations, its toils and its perils, showed at the outset, in contrast with the ease and splendor of his personal fortunes which adhesion to the political power of slavery seemed to insure to him, and then contemplates the promptness of his choice and the steadfastness of his perseverance, the impulse and the action seem to find a parallel in the life of the great Hebrew statesman, who, "*by faith*, when he was come to years, refused to be called the son of Pharaoh's daughter," and "*by faith*, forsook Egypt, not fearing the wrath of the king."

The first half of this period of twenty years witnessed only the preliminaries, equally brave and sagacious, of agitation, promulgation of purposes and opinions, consultations, conventions, and political organizations, more and more comprehensive and effective. All this time Mr. Chase was simply a citizen, and apparently could expect no political station or authority till it should come from the prosperous fortunes of the party he was striving to create. Suddenly, by a surprising conjunction of circumstances he was lifted, at one bound, to the highest and widest sphere of influence, upon the opinion of the country, which our political establishment presents—I mean the Senate of the United States. The elective body, the Legislature of Ohio, was filled in almost equal numbers with Whigs and Democrats, but a handful of Liberty party men held the control to prevent or determine a majority. They elected Mr. Chase. The concurrence is similar, in its main features, to the election of Mr. Sumner to the Senate, two years afterward, in Massachusetts. Much criticism of such results is always and necessarily excited. The true interpretation of such transactions is simply a transition state from old to new politics, wherein party names and present interests are unchanged, but opinions and projects and prospects are taking a new shape, and the old mint, all at once, astonishes everybody by striking a new image and superscription, soon to be stamped upon the whole coinage. The part of Mr. Chase in this election, as of Mr. Sumner in his own, was elevated

and without guile. His term in the Senate brought him to the year 1856, and was followed by two successive elections and four years' service as Governor of Ohio, and a reëlection to the Senate. In these high stations he added public authority to his opinions and purposes, and gained for them wider and wider influence, while he discharged all general senatorial duties, and official functions as Governor, with benefit to the legislation of the nation and to the administration of the State.

As the presidential election approached and the Republican party took the field with an assurance of assuming the administration of the Federal Government, and of meeting the weighty responsibility of the new political basis, the question of candidates absorbed the attention of the party, and attracted the interest of the whole country. When a new dynasty is to be enthroned, the *personality* of the ruler is an element of the first importance. In the general judgment of the country, and equally to the apprehension of the mass of his own party and of its rival, Mr. Seward stood as the natural candidate, and upon manifold considerations. His unquestioned abilities, his undoubted fidelity, his vast services and wide following in the party, presented an unprecedented combination of political strength to obtain the nomination and carry the election, and of adequate faculties and authority with the people for the prosperous administration of the presidential office. Second only to Mr. Seward, in this general judgment of his countrymen, stood Mr. Chase, with just enough of preference for him, in some quarters, over Mr. Seward, upon limited and special considerations, to encourage that darling expedient of our politics a resort to a *third* candidate. This recourse was had, and Mr. Lincoln was nominated and elected.

The disclosure of Mr. Lincoln to the eyes of his countrymen as a possible, probable, actual candidate for the presidency came upon them with the suddenness and surprise of a revelation. His advent to power as the ruler of a great people, in the supreme juncture of their affairs, to be the head of the state among its tried and trusted statesmen, to subordinate and coordinate the pride and ambition of leaders, the passions and interests of the masses, and to guide the destinies of a nation whose institutions were all framed for obedience to law and per-

petual domestic peace, through rebellion, revolt, and civil war; and to the subversion of the very order of society of a vast territory and a vast population, finds no parallel in history; and was a puzzle to all the astrologers and soothsayers. It has been said of George III.—whose narrow intellect and obstinate temper so greatly helped on the rebellion of our ancestors to our independence—it has been said of George III., that "it was his misfortune that, intended by nature to be a farmer, accident placed him on a throne." It was the happy fortune of the American people, that to the manifest advantages of freedom from jealousies of any rivals; and from commitment, by any record, to schemes or theories or sects or cabals, pursued by no hatreds, beguiled by no attachments, Mr. Lincoln added a vigorous, penetrating, and capacious intellect, and a noble, generous nature which filled his conduct of the Government, in small things and great, from beginning to end, "with malice to none and charity to all." These qualities were indispensable to the safety of the Government and to the prosperous issue of our civil war. In the great crisis of a nation struggling with rebellion, the presence or absence of these personal traits in a ruler may make the turning-point in the balance of its fate. Had Lincoln, in dealing with the administration of government during the late rebellion, insisted as George III. did, in his treatment of the American Revolution, upon "the right of employing as responsible advisers those only whom he personally liked, and who were ready to consult and execute his personal wishes," had he excluded from his counsels great statesmen like Seward and Chase, as King George did Fox and Burke, who can measure the dishonor, disorder, and disaster into which our affairs might have fallen? Such narrow intelligence and perversity are as little consistent with the true working of administration under our Constitution as they were under the British Constitution, and as little consonant with the sound sense as they are with the generous spirit of our people.

By the arrangement of his Cabinet, and his principal appointments for critical services, Mr. Lincoln showed at once that nature had fitted him for a ruler, and accident only had hid his earlier life in obscurity. I cannot hesitate to think that the presence of Mr. Seward and Mr. Chase in the great offices of State

and Treasury, and their faithful concurrence in the public service and the public repute of the President's conduct of the Government, gave to the people all the benefits which might have justly been expected from the election of either to be himself the head of the Government and much else besides. I know of no warrant in the qualities of human nature, to have hoped that either of these great political leaders would have made as good a minister under the administration of the other, as President, as both of them did under the administration of Mr. Lincoln. I see nothing in Mr. Lincoln's great qualities and great authority with this people, which could have commensurately served our need in any place, in the conduct of affairs, except at their head.

The general importance, under a form of government where the confidence of the people is the breath of the life of executive authority, of filling the great offices of state with men who, besides possessing the requisite special faculties for their several departments and large general powers of mind for politics and policies, have also great repute with the party, and great credit with the country, was well understood by the President. He knew that the times needed, in the high places of government, men "who," in Bolingbroke's phrase, "had built about them the opinion of mankind which, fame after death, is superior strength and power in life."

Of the great abilities which Mr. Chase, in his administration of the Treasury, exhibited through the three arduous years of that public service, no question has ever been made. The exactions of the place knew no limits. A people, wholly unaccustomed to the pressure of taxation, and with an absolute horror of a national debt, was to be rapidly subjected to the first without stint, and to be buried under a mountain of the last. Taxes which should support military operations on the largest scale, and yet not break the back of industry which alone could pay them; loans, in every form that financial skill could devise, and to the farthest verge of the public credit; and, finally, the extreme resort of governments under the last stress and necessity, of the subversion of the legal tender, by the substitution of what has been aptly and accurately called the "coined credit" of the Government for its coined money—all these exigencies and all these expedients made up the daily problems of the Secretary's

life. We may have some conception of the magnitude of these financial operations, by considering one of the subordinate contrivances required to give to the currency of the country the enormous volume and the ready circulation without which the tides of revenue and expenditure could not have maintained their flow. I refer to the transfer of the paper money of the country from the State to the national banks. This transaction, financially and politically, transcends in magnitude and difficulty, of itself alone, any single measure of administrative government found in our history, yet the conception, the plan, and the execution, under the conduct of Mr. Chase, took less time and raised less disturbance than it is the custom of our politics to accord to a change in our tariff or a modification of a commercial treaty. Another special instance of difficult and complicated administration was that of the renewal of the intercourse of trade, to follow closely the success of our arms, and subdue the interests of the recovered region to the requirements of the Government. But I cannot insist on details, where all was vast and surprising and prosperous. I hazard nothing in saying that the management of the finances of the civil war was the marvel of Europe and the admiration of our own people. For a great part of the wisdom, the courage, and the overwhelming force of will which carried us through the stress of this stormy sea, the country stands under deep obligations to Mr. Chase as its pilot through its fiscal perils and perplexities. Whether the genius of Hamilton, dealing with great difficulties and with small resources, transcended that of Chase, meeting the largest exigencies with great resources, is an unprofitable speculation. They stand together, in the judgment of their countrymen, the great financiers of our history.

A somewhat persistent discrepancy of feeling and opinion between the President and the Secretary, in regard to an important office in the public service, induced Mr. Chase to resign his portfolio, and Mr. Lincoln to acquiesce in his desire. No doubt, it is not wholly fortunate in our Government that the distribution of patronage, a mixed question of party organization and public service, should so often harass and embarrass administration, even in difficult and dangerous times. Mr. Lincoln's ludicrous simile is an incomparable description of the

system as he found it. He said, at the outset of his administration, that "he was like a man letting rooms at one end of his house, while the other end was on fire." Some criticism of the Secretary's resignation and of the occasion of it, at the time, sought to impute to them consequences of personal acerbity between these eminent men, and the mischiefs of competing ambitions and discordant counsels for the public interests. But the appointment of Mr. Chase to the chief-justiceship of the United States silenced all this evil speech and evil surmise.

There is no doubt that Mr. Chase greatly desired this office, its dignity and durability both considered, the greatest gratification, to personal desires, and the worthiest in public service, and in public esteem, that our political establishment affords. Fortunate, indeed, is he who, in the estimate of the profession of the law, and in the general judgment of his countrymen, combines the great natural powers, the disciplined faculties, the large learning, the larger wisdom, the firm temper, the amiable serenity, the stainless purity, the sagacious statesmanship, the penetrating insight, which make up the qualities that should preside at this high altar of justice, and dispense to this great people the final decrees of a government "not of men, but of laws." To whatever President it comes, as a function of his supreme authority, to assign this great duty to the worthiest, there is given an opportunity of immeasurable honor for his own name, and of vast benefits to his countrymen, outlasting his own brief authority, and perpetuating its remembrance in the permanent records of justice, "the main interest of all human society," so long as it holds sway among men. John Adams, from the Declaration of Independence down, and with the singular felicity of his line of personal descendants, has many titles to renown, but by no act of his life has he done more to maintain the constituted liberties which he joined in declaring, or to confirm his own fame, than by giving to the United States the great Chief-Justice Marshall, to be to us, forever, through every storm that shall beset our ship of state—

> "Like a great sea-mark, standing every flaw,
> And saving them that eye it."

In this disposition, Mr. Lincoln appointed Mr. Chase to the

vacant seat, and the general voice recognized the great fitness of the selection.

I may be permitted to borrow from the well-considered and sober words of an eminent judge, the senior Associate on the bench of the Supreme Court—words that will carry weight with the country which mine could not—a judicial estimate of this selection. Mr. Justice Clifford says: "Appointed, as it were, by common consent, he seated himself easily and naturally in the chair of justice, and gracefully answered every demand upon the station, whether it had respect to the dignity of the office, or to the elevation of the individual character of the incumbent, or to his firmness, purity, or vigor of mind. From the first moment he drew the judicial robes around him he viewed all questions submitted to him as a judge in the calm atmosphere of the bench, and with the deliberate consideration of one who feels that he is determining issues for the remote and unknown future of a great people."

Magistratus ostendit virum—the magistracy shows out the man. A great office, by its great requirements and great opportunities, calls out and displays the great powers and rare qualities which, presumably, have raised the man to the place. Let us consider this last public service and last great station, as they exhibit Mr. Chase to a candid estimate.

And, first, I notice the conspicuous fitness for judicial service of the mental and moral constitution of the man. All through the heady contests of the vehement politics of his times, his share in them had embodied decision, moderation, serenity, and inflexible submission to reason as the master and ruler of all controversies. Force, fraud, cunning, and all lubric arts and artifices, even the beguilements of rhetoric, found no favor with him, as modes of warfare or means of victory. So far, then, from needing to lay down any weapons, or disuse any methods in which he was practised, or learn or assume new habits of mind or strange modes of reasoning, Mr. Chase, in the working of his intellect and the frame of his spirit, was always judicial.

It was not less fortunate for the prompt authority of his new station, so dependent upon the opinion of the country, that his credit for great abilities and capacity for large responsibilities was already established. Great repute, as well as essen-

tial character, is justly demanded for all elevated public stations, and especially for judicial office, whose prosperous service, in capital junctures, turns mainly on moral power with the community at large.

Both these preparations easily furnished the Chief-Justice with the requisite aptitude for the three relations, of prime importance, upon which his adequacy must finally be tested; I mean, his relation to the court as its presiding head, his relation to the profession as masters of the reason and debate over which the court is the arbiter, and his relation to the people and the State in the exercise of the critical constitutional duties of the court, as a coördinate department of the Government.

In a numerous court, that the Chief-Justice should have a prevalent and gracious authority, as first among equals, to adjust, arrange, and facilitate the coöperative working of its members, will not be doubted. For more than sixty years, at least, this court had felt this authority—*potens et lenis dominatio*—in the presence of the two celebrated Chief-Justices who filled out this long service. Their great experience and great age had supported, and general conformity of political feeling, if not opinion, on the bench, had assisted, this relation of the Chief-Justice to the court.

When Mr. Chase was called to this station, he found the bench filled with men of mark and credit, and his accession made an exactly equal division of the court between the creations of the old and of the new politics. In these circumstances the proper maintenance of the traditional relation of the Chief-Justice to the court was of much importance to its unbroken authority with the public. That it was so maintained was apparent to observation, and Mr. Justice Clifford, speaking for the court, has shown it in a most amiable light:

"Throughout his judicial career he always maintained that dignity of carriage and that calm, noble, and unostentatious presence that uniformly characterized his manners and deportment in the social circle; and, in his intercourse with his brethren, his suggestions were always couched in friendly terms, and were never marred by severity or harshness."

As for the judgment of the bar of the country, while it gave its full assent to the appointment of Mr. Chase, as an elevated

and wise selection by the President, upon the general and public grounds which should always control, there was some hesitancy, on the part of the lawyers, as to the completeness of Mr. Chase's professional training, and the special aptitude of his intellect to thread the tangled mazes of affairs which form the body of private litigations. The doubt was neither unkind nor unnatural, and it was readily and gladly resolved under the patient and laborious application, and the accurate and discriminating investigation, with which the Chief-Justice handled the diversified subjects, and the manifold complexities, which were brought into judgment before him. In fact, the original dubitation had overlooked the earlier distinction of Mr. Chase at the bar in some most important forensic efforts, and had erred in comparing, for their estimate, Mr. Chase entering upon judicial employments, with his celebrated predecessors, as they showed themselves at the close, not at the outset, of their long judicial service. I feel no fear of dissent from the profession in saying that those who practised in the Circuit or in the Supreme Court while he presided, as well as the larger and widely-diffused body of lawyers who give competent and responsible study to the reports, recognize the force of his reason, the clearness of his perceptions, the candor of his opinions, and the lucid rhetoric of his judgments, as assuring his rank with the eminent judges of our own and the mother-country.

But, in the most imposing part of the jurisdiction and jurisprudence of the court; in its dominion over all that belongs to the law of nations, whether occupied with the weighty questions of peace and war, and the multitudinous disturbances of public and private law which follow the change from one to the other; or with the complications of foreign intercourse and commerce with all the world, which the genius of our people is constantly expanding; in its control, also, of the lesser public law of our political system, by which we are a nation of republics, where the bounds of State and Federal authority need constant exploration, and require accurate and circumspect adjustment; in its final arbitrament on all conflicts and encroachments by which the great coördinate departments of the Government are to be confined to their appropriate spheres; in that delicate and superb supremacy of judicial reason whereby the Constitution confides

to the deliberations of this court the determination, even, of the legality of legislation, and trusts it, nevertheless, to abstain itself from law-making—in all these transcendent functions of the tribunal the preparation and the adequacy of the Chief-Justice were unquestioned.

Accordingly, we find in the few years of his service, before his decline in health, in the crowd of causes bred by the civil war, which pressed the court with novel embarrassments, and loaded it with unprecedented labors, that the Chief-Justice gave conspicuous evidence, in repeated instances, of that union of the faculties of a lawyer and a statesman, which alone can satisfy the exactions of this highest jurisdiction, unequaled and unexampled in any judicature in the world. To name these conspicuous causes merely, without unfolding them, would carry no impression; and time fails for any demonstrative criticism upon them.

There are two passages in the judicial service of Mr. Chase which, attracting great attention and exciting some difference of opinion at the time of the transactions, invite a brief consideration at your hands.

The first political impeachment in our constitutional history, involving, as it did, the accusation of the President of the United States, required the Chief-Justice to preside at the trial before the Senate, creating thus the tribunal to which the Constitution had assigned this high jurisdiction. Beyond the injunction that the Senate, when sitting for the trial of impeachments, should be "on oath," the Constitution gave no instruction to fix or ascertain the character of the procedure, the nature of the duty assigned to the specially-organized court, or the distribution of authority between the Chief-Justice and the Senate. The situation lacked no feature of gravity—no circumstance of solicitude—and the attention of the whole country, and of foreign nations, watched the transaction at every stage of its progress. No circumstances could present a greater disparity of political or popular forces between accuser and accused, and none could be imagined of more thorough commitment of the body of the court—the Senate—both in the interests of its members, in their political feeling, and their pre-judgments; all tending to make the condemnation of the President, upon all superficial

calculations, inevitable. The effort of the Constitution to guard against mere partisan judgment, by requiring a two-third vote to convict, was paralyzed by the complexion of the Senate, showing more than four-fifths of that body of the party which had instituted the impeachment and was demanding conviction. To this party, as well, the Chief-Justice belonged, as a founder, a leader, a recipient of its honors, and a lover of its prosperity and its fame. The President, raised to the office from that of Vice-President—to which alone he had been elected—by the deplored event of Mr. Lincoln's assassination, was absolutely without a party, in the Senate or in the country; for the party whose suffrages he had received for the vice-presidency was the hostile force in his impeachment. And, to bring the matter to the worst, the succession to all the executive power and patronage of the Government, in case of conviction, was to fall into the administration of the President of the Senate—the creature, thus, of the very court invested with the duty of trial and the power of conviction.

Against all these immense influences, confirmed and inflamed by a storm of party violence, beating against the Senate-house without abatement through the trial, the President was acquitted. To what wise or fortunate protection of the stability of government does the people of this country owe its escape from this great peril? Solely, I cannot hesitate to think, to the potency—with a justice-loving, law-respecting people—of the few decisive words of the Constitution which, to the common apprehension, had impressed upon the transaction the solemn character of trial and conviction, under the sanction of the oath to bind the conscience, and not of the mere exercise of power, of which its will should be its reason. In short, the Constitution had made the procedure *judicial*, and not *political*. It was this sacred interposition that stayed this plague of political resentments which, with their less sober and intelligent populations, have thwarted so many struggles for free government and equal institutions.

Over this scene, through all its long agitations, the Chief-Justice presided, with firmness and prudence, with circumspect comprehension, and sagacious forecast of the vast consequences which hung, not upon the result of the trial as affecting any per-

sonal fortunes of the President, but upon the maintenance of its character as a trial—upon the prevalence of law, and the supremacy of justice, in its methods of procedure, in the grounds and reasons of its conclusion. That his authority was greatly influential in fixing the true constitutional relations of the Chief-Justice to the Senate, and establishing a precedent of procedure not easily to be subverted; that it was felt, throughout the trial, with persuasive force, in the maintenance of the judicial nature of the transaction; and that it never went a step beyond the office which belonged to him—of presiding over the Senate trying an impeachment—is not to be doubted.

The President was acquitted. The disappointment of the political calculations which had been made upon, what was felt by the partisans of impeachment to be, an assured result, was unbounded; and resentments, rash and unreasoning, were visited upon the Chief-Justice, who had influenced the Senate to be judicial, and had not himself been political. No doubt, this impeachment trial permanently affected the disposition of the leading managers of the Republican party toward the Chief-Justice, and his attitude thereafter toward that party, in his character of a citizen. But the people of the country never assumed any share of the resentment of party feeling. The charge against him, if it had any shape or substance, came only to this: that the Chief-Justice brought into the Senate, under his judicial robes, no concealed weapons of party warfare, and that he had not plucked from the Bible, on which he took and administered the judicial oath, the commandment for its observance.

Not long after Mr. Chase's accession to the bench there came before the court a question, in substance and in form, as grave and difficult as any that its transcendent jurisdiction over the validity of the legislation of Congress, has ever presented, or, in any forecast we can make of the future, will ever present for its judgment; I mean the constitutionality of that feature and quality of the issues of United States notes during the war, which made them a legal tender for the satisfaction of private debts. This measure was one of the great administrative expedients for marshaling the wealth of the country, as rapidly, as equally, and as healthfully, to the energies of production and industry, as might be, and so as seasonably to meet the immeas-

urable demands of the public service, in the stress of the war. That it was debated and adopted, with full cognizance of its critical character, and with extreme solicitude that all its bearings should be thoroughly explored, and upon the same peremptory considerations, upon which the master of a ship cuts away a mast or jettisons cargo, or the surgeon amputates a limb, was a matter of history. Mr. Chase, as Secretary of the Treasury, with a reluctance and repugnance which enhanced the weight of his counsels, approved the measure, as one of necessity for the fiscal operations of the Government, which knew no other seasonable or adequate recourse. Upon this imposing and authoritative advice of the financial minister, the legal-tender trait of the paper issues of the Government was adopted by Congress, and without his sanction, presumptively, it would have been denied.

And now, when, after repeated argument at the bar, and long deliberations of the court, the decision was announced, the determining opinion of the Chief-Justice, in an equal division of the six associate justices, pronounced the legal-tender acts unconstitutional, as not within the discretion of the political departments of the Government, Congress, and the Executive, to determine this very question of the necessity of the juncture, as justifying their enactment.

The singularity of the situation struck everybody, and greatly divided public sentiment between applause and reproaches of the Chief-Justice, as the principal figure both in the administrative measure and in its judicial condemnation. But soon, a new phase of the unsettled agitation on the merits of the constitutional question, drew public attention, and created even greater excitement of feeling and diversity of sentiment. The court, which had been reduced by Congress under particular and temporary motives, hostile to the appointing power of President Johnson, had been again opened by Congress to its permanent number, and its vacancies had been filled. A new case, involving the vexed question, was heard by the court, and the validity of the disputed laws was sustained by its judgment. The signal spectacle of the court, which had judged over Congress and the Secretary, now judging over itself, gave rise to much satire on one side and the other, and to some coarseness of contumely as

to the motives and the means of these eventful mutations in matters, where stability and uniformity are, confessedly, of the highest value to the public interests, and to the dignity of government.

Confessing to a firm approval of the final disposition of the constitutional question by the court, I concede it to be a subject of thorough regret that the just result was not reached by less uncertain steps. But, with this my adverse attitude to the Chief-Justice's judicial position on the question, I find no difficulty in discarding all suggestions which would mix up political calculations with his judicial action. The error of the Chief-Justice, if, under the last judgment of the court, we may venture so to consider it, was in following his strong sense of the supreme importance of restoring the integrity of the currency, and his impatience and despair at the feebleness of the political departments of the Government in that direction, to the point of concluding that the final wisdom of this great question—*inter apices juris*, as well as of the highest reasons of state—was to deny to the brief exigency of war, what was so dangerous to the permanent necessities of peace. But a larger reason and a wider prudence, as it would seem, favor the prevailing judgment, which refused to cripple the permanent faculties of government for the unforeseen duties of the future, and drew back the court from the perilous edge of *law-making*, which, overpassed, must react to cripple, in turn, the essential judicial power. The past, thus, was not discredited, nor the future disabled.

I have now carried your attention to the round of public service which filled the life of Mr. Chase with activity and usefulness, and yet the survey and the lesson are incomplete without some reference to a station he never attained, to an office he never administered; I mean, to be sure, the presidency. It is of the nature of this great place of power and trust, and the necessity of the method by which alone it can be reached, to present to the ambition and public spirit of political leaders, and to the honest hopes and enthusiasm of the great body of the people, an equally frequent disappointment. This is not the place to insist upon the reasons of this unquestionable mischief, nor to attempt to point out the escape from them, if indeed the problem be not, in itself, too hard for solution. To

Mr. Chase, as to all the great leaders of opinion in the present and perhaps the last generation of our public men, this disappointment came, and in his case, as in theirs, brought with it the defeat of the hopes and desires of a large following of his countrymen, who sought, through his accession to the presidency, the elevation of the Government, and the welfare of the people.

That the range and dignity of Mr. Chase's public employments and the large capacity, absolute probity, and unbounded energy which he had shown in them, justified his aspiration to the presidency, and the public calculations of great benefit from his accession to it, may not be doubted. In this state of things it is obvious, that he would necessarily be greatly in the minds of men, as a candidate for the candidacy, and this, too, whether they favored or opposed it, without any implication of undue activity of desire, much less of effort, on his part, to obtain the nomination. But, it was not in the fortunes of Mr. Chase's life to take the flood of any tide, in the restless sea of our politics, which led on to the presidency. In 1860 there was no principle and no policy of the Republican party which could tolerate the postponement of Mr. Seward to Mr. Chase, if a political leader was to be put in nomination. In 1864 the paramount considerations of absolute supremacy, which dictated the reëlection of Mr. Lincoln, would endure no competition of candidates in the Republican party. In 1868, when each party seemed, in an unusual degree, free to seek and find its candidates where it would, Mr. Chase was Chief-Justice, and no issue of the public safety existed, which alone, in the settled convictions of this people, would favor a political canvass by the head of the judiciary.

In a just view of the office of President, as framed in the Constitution, which he only, in the whole establishment of the Government, is sworn "to preserve, protect, and defend," and of the rightful demands of this people from its supreme magistracy, I am sure most people will agree that Mr. Chase possessed great qualities for the discharge of its high duties, and for the maintenance of good government in difficult times. These qualifications I have already unfolded from his life. If, indeed, the great hold over the Government, which the Constitution secures to the people by the election of the Presi-

dent, and his direct and constant responsibility to popular opinion, and the full powers, thus safely confided to him, in the name and as the trust of the people at large—if this hold is to be exercised and preserved in its appropriate vigor, it can only be by the election to the presidency of true leaders of the political opinion of the country. In this way alone can power and responsibility be kept in union; and any nation which, in the working of its government, sees them divorced—sees power without responsibility, and responsibility without power—must expect dishonor and disaster in its affairs.

I have, thus, with such success as may be, undertaken to separate the thread of this individual character and action from that woven tapestry of human life, whose conciliated colors and collective force make up one of the noblest chapters of history. I have attempted to present in prominent points, passing *per fastigia rerum*, the worth, the work, the duty, and the honor which fill out "the sustained dignity of this stately life." From his boyhood on the banks of this fair river—famous as having given birth and nurture to three Chief-Justices of the United States, Ellsworth, Chase, and Waite; through his first lessons in the humanities in beautiful Windsor, his fuller instruction in the lap of this gracious mother, his loved and venerated Dartmouth; through his lessons in law and in eloquence at the feet of his great master, Wirt, his study of statesmen and government at the capital; through his faithful service to the law, that jealous mistress, and his generous advocacy of the rights, and resentment of the wrongs, of the unfriended and the undefended; through his season of stormy politics with its "estuations of joys and fears;" through the crush and crowd of labors and solicitudes which beset him as minister of finance in the tensions and perils of war; through all this steep ascent to the serene height of supreme jurisprudence, this life, but a span in years, was enough for the permanent service of his country, and for the assurance of his fame. "*Etenim, Quirites, exiguum nobis vitæ curriculum natura circumscripsit, immensum gloriæ.*"

If I should attempt to compare Mr. Chase, either in resemblance or contrast, with the great names in our public life, of our own times, and in our previous history, I should be inclined to class him, in the solidity of his faculties, the firmness of his

will, and in the moderation of his temper, and in the quality of his public services, with that remarkable school of statesmen, who, through the Revolutionary War, wrought out the independence of their country, which they had declared, and framed the Constitution, by which the new liberties were consolidated and their perpetuity insured. Should I point more distinctly at individual characters, whose traits he most recalls, Ellsworth as a lawyer and judge, and Madison as a statesman, would seem not only the most like, but very like, Mr. Chase. In the groups of his cotemporaries in public affairs, Mr. Chase is always named with the most eminent. In every triumvirate of conspicuous activity he would be naturally associated. Thus, in the preliminary agitations which prepared the triumphant politics, it is Chase and Sumner and Hale; in the competition for the presidency when the party expected to carry it, it is Seward and Lincoln and Chase; in administration, it is Stanton and Seward and Chase; in the Senate, it is Chase and Seward and Sumner. All these are newly dead, and we accord them a common homage of admiration and of gratitude, not yet to be adjusted or weighed out to each.

Just a quarter of a century before Mr. Chase left these halls of learning, the college sent out another scholar of her discipline, with the same general traits of birth, and condition, and attendant influences, which we have noted as the basis of the power and influence of this later son of Dartmouth. He played a famous part in his time as lawyer, senator, and minister of state, in all the greatest affairs, and in all the highest spheres of public action; and to his eloquence his countrymen paid the singular homage, with which the Greeks crowned that of Pericles, who alone was called Olympian for his grandeur and his power. He died with the turning tide from the old statesmanship to the new, then opening, now closed, in which Mr. Chase and his cotemporaries have done their work and made their fame. Twenty-one years ago this venerable college, careful of the memory of one who had so greatly served as well as honored her, heard from the lips of Choate the praise of Webster. What lover of the college, what admirer of genius and eloquence, can forget the pathetic and splendid tribute which the consummate orator paid to the mighty fame of the great statesman?

What mattered it to him, or to the college, that, for the moment, this fame was checked and clouded, in the divided judgments of his countrymen, by the rising storms of the approaching struggle? But, instructed by the experience of the vanquished rebellion, none are now so dull as not to see that the consolidation of the Union, the demonstration of the true doctrine of the Constitution, the solicitous observance of every obligation of the compact, were the great preparations for the final issue of American politics between freedom and slavery.

To these preparations the life-work of Webster and his associates was devoted; their completeness and adequacy have been demonstrated; the force and magnitude of the explosion have justified all their solicitudes lest it should burst the cohesions of our unity. The general sense of our countrymen now understands that the statesmen who did the most to secure the common government for slavery and freedom under the frame of the Constitution, and who in the next generations did the most to strengthen the bonds of the Union, and to avert the last test till that strength was assured; and, in our own latest times, did the most to make the contest at last become seasonable and safe, thorough and unyielding and unconditional, have all wrought out the great problem of our statesmanship, which was to assure to us "Liberty and Union, now and forever, one and inseparable." They all deserve, as they shall all receive, each for his share, the gratitude of their countrymen, and the applause of the world.

To the advancing generations of youth that Dartmouth shall continue to train for the service of the republic, and the good of mankind, the lesson of the life we commemorate, to-day, is neither obscure nor uncertain. The toils and honors of the past generations have not exhausted the occasions nor the duties of our public life, and the preparation for them, whatever else it may include, can never omit the essential qualities which have always marked every prosperous and elevated career. These are energy, labor, truth, courage, and faith. These make up that ultimate WISDOM to which the moral constitution of the world assures a triumph.—"Wisdom is the principal thing; she shall bring thee to honor; she shall give to thy head an ornament of grace; a crown of glory shall she deliver to thee."

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